IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SMT JUSTICE T.MEENA KUMARI

WRIT PETITION NO : 1060 of 1995

Between:

Datla Bhadra Rao, s/o Balaiah,R/o Venkatanagaram, H/o Veerabhadrapuram, Addateegala (M), E.G.Dist

..... PETITIONER

AND

1 State of A.P., Rep by Authorised Officer,
Land Reforms, Kakinada, E.G.Dist.
2 Land Reforms Tribunal Cum Additional Revenue

Divisional Officer, Kakinada, E.G.Dist.PIN-533 001
3 Sri Audimoolam Bapanaiah, S/o Appalaswamy,
Veerabhadrapuram, Addateegala (M), E.G.Dist.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue any order or direction particularly in the nature of writ of Mandamus directing the respondents not to take possession of the lands being cultivated by the petitioner herein as statutory tenant belonging to Scheduled Tribe in respect of lands covered in S.No.s.26, 30/3, 40/2, 41/2, 42/2,42/5, 42/6,44/1, 44/2, & 45/2 of Venkatanagaram and in S.No.s 25/1A and 26 of Bodlanka and in S.No. 4/2 & 34/1 of Gondolu and in S.No.s 37 and 36/1 of Akkiyyapeta of Addateegala (M), E.G.Dist.

Counsel for the Petitioner: MR.M.VENKATA RAMANA REDDY

Counsel for the Respondent Nos.1 & 2: GP FOR REVENUE

Counsel for the Respondent No.3: Notice returned unserved

The Court made the following :

ORDER

This writ petition is filed seeking a direction to the respondents not to take possession of the lands in question being cultivated by the petitioner as a statutory tenant.

The factual matrix required to be taken note of is as under:

Since 1970, the petitioner is in possession and enjoyment of the lands situated in survey Nos.26, 30/3, 40/2, 41/2, 42/2, 42/5, 42/6, 44/1, 44/2, 45/2 of Venkatanagaram, in S.Nos.25/1A and 26 of Bodlanka, in S.Nos.4/2,34/1 of Gondolu and S.Nos.37 and 36/1 of Akkiyyapeta of Addateegala Mandal as a statutory tenant by paying produce to the landlords towards their share. In the year 1973 when the A.P Land Reforms Act, 1973 came into force, declarations were filed by the landlord-3rd respondent. After the proceedings under the said Act, the lands were vested with the Government and as a statutory tenant the petitioner is entitled to not less than half of the total extent of land.

A perusal of the record would depict that the petitioner's name was not shown as a cultivating tenant in respect of the above said lands, in the declaration filed by the landlord-3rd respondent.

Having regard to the fact that as the petitioner was not shown as a cultivating tenant, he is not entitled to claim any relief.

The writ petition is accordingly dismissed. No costs.

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23-09-2004

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To

1 The Authorised Officer, State of A.P.,
Land Reforms, Kakinada, E.G.Dist.
2 Land Reforms Tribunal Cum Additional Revenue

Divisional Officer, Kakinada, E.G.Dist. PIN 533 001
3 Two CCs to GP for Revenue, High Court buildings,

Hyderabad (OUT)

4. Two CD copies.